# WEST VIRGINIA CODE: §33-64-3

**§33-64-3. Compliance with federal and state laws.**

(a) A wellness reimbursement program, arrangement, or benefit plan administrator shall attest to the commissioner and to the employer or employee that the wellness reimbursement program, arrangement, or benefit plan complies with all federal and state laws.

(b) A wellness reimbursement program, arrangement, or benefit plan administrator may not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(c) If the wellness reimbursement program, arrangement, or benefit plan results in a taxable event for either the employer or the employee associated with the wellness reimbursement program, arrangement, or benefit plan, the wellness reimbursement program, arrangement, or benefit plan administrator shall defend the employer and its employees against any and all claims or suits that arise out of or by virtue of the wellness reimbursement program, arrangement, or benefit plan and shall indemnify the employer and its employees for a loss or judgment incurred by them as a result of the claim or suit.

WV Legislature